

Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT BENSHOOF, ARW. By and Through
His Father, KURT A. BENSHOOF,

Plaintiffs,

v.

MARSHALL FERGUSON, *et al.*,

Defendants.

No. 2:24-cv-00808-JHC

DEFENDANT JESSICA SKELTON'S
REPLY IN SUPPORT OF MOTION TO
DISMISS UNDER FRCP 12(b)(6)

NOTE ON MOTION CALENDAR:
August 8, 2024

Defendant Jessica A. Skelton ("Defendant" or "Skelton") acknowledges that Plaintiff Kurt Benshoof is currently incarcerated and that a "Next Friend," on behalf of Plaintiff, has asked that this matter be stayed until Plaintiff can resume his adjudication of this matter. Dkt. #34. However, in an abundance of caution, Ms. Skelton submits this timely Reply, asking this Court to dismiss all of Plaintiffs' claims against her as set forth in her pending motion. Dkt. #27.

As discussed in Ms. Skelton's motion, Plaintiff has named this Defendant without any valid legal bases for his claims. Moreover, under Local Civil Rule 7(b)(2), "Except for motions for summary judgment, if a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit." LCR 7(b)(2). Should this Court decline to stay these proceedings, Ms. Skelton asks the Court to consider that Plaintiff has failed to respond to this motion and therefore such failure is an admission of merit. As a result, the

1 Complaint as to Ms. Skelton should be dismissed in its entirety, with prejudice, under Federal Rule
2 of Civil Procedure 12(b)(6).

3 I certify that this memorandum contains 192 words, in compliance with the Local Civil
4 Rules.

5 DATED this 8th day of August, 2024.
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7 PACIFICA LAW GROUP LLP
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9 By /s/ Sarah S. Mack

10 Sarah S. Mack, WSBA #32853

11 *Attorney for Defendant Jessica Skelton*
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